



**"The City With a Heart"**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O'Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

### **March 8, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on March 8, 2005, in the Senior Center 1555 Crystal Springs Road and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

**1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, Ibarra, O'Connell, and Pallas in attendance. Recorded by City Clerk Simon.

**PLEDGE OF ALLEGIANCE:** Led by Interim Community Development and Library Services Director Jackson.

**2. REVIEW OF AGENDA:** Item number 12.a. was moved up to be heard after item 5.

**3. APPROVAL OF MINUTES:** The special and regular City Council meeting minutes of February 22, 2005, was approved as submitted.

**4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

**a. Approve: Payroll** of February 25, 2005.

**b. Approve: Accounts Payable** of February 7, and 14, 2005 (Council Packets only, copy is available for review at the City Clerk's office)

**c. Approve:** Appointment of Councilmember O'Connell as Director to the Boards of the Bay Area Water Supply & Conservation Agency (BAWSCA) and the Bay Area Regional Water System Financing Authority (RFA) with term ending June 30, 2009.

**d. Adopt:** Resolution of Intent to adopt position description and salary scale for Community Development Technician I, II, and III and set public hearing for March 22, 2005.

End of consent calendar: **M/S Ibarra/Ruane** to approve all items and passed by unanimous vote.

**5. PUBLIC HEARINGS:** (Notices have been published, posted, and mailed.)

Hold public hearing, waive first reading and introduce **Ordinance No. 1700** repealing Section 11.24.060 of the San Bruno Municipal Code and adding new Chapter 6.50 Pertaining to the Sale, Use, and Discharge of **"Safe and Sane" Fireworks**.

**Councilmember Pallas** said the third "whereas" in the Ordinance is not correct. It was the use of illegal fireworks not "safe and sane" which was unacceptable. We need to change this untrue statement.

City Manager Jackson replied the Council might wish to strike that language. The purpose of the statement is to provide the Council basis and foundation to clarify its intent in taking this action.

**Councilmember Pallas** said we should use “the increased use of illegal fireworks” created the need for a higher level of service.

**Councilmember O’Connell** said this is an ordinance about “safe and sane” not illegal fireworks. Last year complaints were received that people were mishandling safe and sane fireworks. Why not use the words misuse of fireworks.

**Mayor Franzella** said there were many complaints about the misuse of “safe and sane” fireworks and anyone can review the tapes at the City Clerk’s office to hear them again.

**Councilmember Ibarra** said it has come to a point where we need to make changes and we may avoid a negative statement by leaving out the word unacceptable. Councilmember Pallas said he would agree with this compromise.

**Councilmember O’Connell** said page 3 of the ordinance refers to possession of fireworks during prohibited hours even if you have them in your possession without discharging them, how does that work?

City Attorney Thompson clarified this provision was placed in the ordinance to assist the police department who in the past could only cite people they actually saw lighting the fireworks. This way, police could arrest a person with illegal fireworks in his possession. This provision will also allow the citing of individuals using “safe and sane fireworks” during prohibited time frames.

**Mayor Franzella** opened the public hearing and the following individuals spoke:

**Mike Kaiser** of 5<sup>th</sup> Avenue said if he buys “snakes, smoke bombs, or crackles why can’t he light them off during the day time?

**Councilmember Pallas** said many families light off “safe and sane” fireworks in their back yards prior to the 4<sup>th</sup> of July why are we saying they are prohibited?

City Attorney Thompson said it is not what staff is saying but what the City Council has directed staff to insert in the ordinance. The Council has determined what days and times they wanted fireworks used, not the staff.

**Mayor Franzella** said we need to allow the public to ask questions and after that the Council can make comments.

**Dennis Revell** of Revell Communications representing the Fireworks industry, said section 6.50.080 of the ordinance on page 4 should have a statement, “unless approved by the majority of the voters” at the November 2005 Election. We do not want to come back next year for a new ordinance.

No one else wished to address the Council on this item.

**M/S Ruane/Ibarra** to close the public hearing and passed with a unanimous vote.

**Mayor Franzella** asked the staff to address the questions raised during public discussion.

City Attorney Thompson said the Council wanted to have in the ordinance, certain hours, which no types of fireworks can be used, including “safe and sane” fireworks. The “Sunset Clause” was inserted into the

ordinance because it will be going before the people for a vote in November. This wording would be changed and the sunset phase will go away if “safe and sane” fireworks are allowed to continue. If the voters said no, there would be no further action needed, the ordinance would expire and go away. Fire Chief Voreyer answered the question what is a “safe and sane” firework; all fireworks booths only carry the approved State Fire Marshall items with the “safe and sane” stickers. The ones that explode or go up into the air are illegal.

**M/S Ruane/Ibarra** to waive the first reading and amend the third “whereas” by deleting the word unacceptable. Motion passed with a unanimous vote.

**Councilmember Ibarra** introduced the ordinance for adoption with a roll call vote of all Ayes.

**Mayor Franzella** moved up item 12.a. Annual Report from the Senior Citizens Advisory Board by Vice Chair, Bill Goff, who was substituting for Chair Dale Sly. Wendy Mines the Recreation Services Manager assisted with the power point presentation. Mr. Goff reviewed last year’s activities and highlighted the goals and objectives of the Advisory Board for 2005. Current goals are to complete revision of the by-laws; obtain furniture for the reception area for better handicap access, replacement of the floor in the multi-purpose room, remodel of the kitchen, and producing a theatrical performance. Our main need now is to have a “back-up generator” in case of electrical power failures. It’s hard to serve lunch or play bingo in the dark. By the year 2020 the number of older households will increase by 53% and will include most of us in the room tonight.

**Councilmember Pallas** said the Senior Endowment Fund members are also looking into assisting with a generator for the Senior Center. This building is designated as an emergency shelter and should have power back up.

**Mayor Franzella** said the Council is aware of the generator problem and the need for it. We will be looking to put this project in a future budget. He thanked Mr. Goff for the very informative update.

## **6. UNFINISHED BUSINESS: None**

## **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:**

Police Chief Violet recommended the City Council adopt a Resolution executing an Amendment to the **Agreement with San Mateo County for Animal Control Services** increasing the contract term from three years to five years and amending the payment schedule.

City Manager Jackson gave an overview of this action. All Cities and the County are extending the animal control contract for an additional two years. The land lease between the Peninsula Humane Society and the County of San Mateo is expiring in 2006 and we anticipate there will be a reduction in contract cost.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all Ayes.

## **8. COMMUNICATIONS: None**

## **9. STAFF REPORTS:**

- a. Police Chief Violet recommended the City Council accept **\$3,000 in contributions** from local organizations and businesses to fund cultural sensitivity training and travel to Tonga for San Bruno Police Corporal.

Captain Neil Telford gave the staff report and requested acceptance of donations from the San Bruno Rotary Club, The Shops at Tanforan, and the Police Officers Association. The donations will cover all cost to send a police officer to Tonga.

**M/S Ibarra/Ruane** to accept the donations and passed with a unanimous vote.

- b.** Public Works Director Munns recommended the City Council Adopt Resolution Accepting Metropolitan Transportation Commission Award of a **2005 Traffic Engineering Technical Assistance Program Grant** in the Amount of \$8,000 to Study Traffic Safety and Operations at the Intersection of Crestmoor Drive and Shelter Creek Lane at San Bruno Avenue.

Public Works Director Munns gave the staff report. This intersection is well known in the community for the difficulty in getting across San Bruno Avenue. This grant will allow us to make a study and give us the information needed to make a proper decision on how to correct the problems.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all Ayes.

- c.** Interim Community Development Director Jackson presented an oral report on **current development projects** in the City of San Bruno.

Director Jackson said as a part of the City's effort to improve communication, and create a better understanding of the development activities and its significance to San Bruno, a summary presentation is being made to the City Council. Aaron Akin, Senior Planner, will make the presentation and Gary West, our Building Official is available to answer questions.

Planner Akin reviewed the following development activities: 1. Treetops Apartments, 2. Marisol Subdivision, 3. Moreland Subdivision, 4. San Bruno Ave at Glenview Drive, 5. Skycrest Center (Lunardi's Site), 6. Peninsula Christian Fellowship Church Property, 7. Lake Amir Subdivision, 8. The Crossing, which includes Paragon Apartments & Senior Apartments & Condominiums, 9. The Shops at Tanforan, 10. Former Wells Fargo Bank site, 11. Jenevein/San Mateo Avenue/ECR triangle, 12. Old El Camino Theatre, 13. 588 San Mateo Avenue at Angus, 14. 598 San Mateo Avenue at Angus, 15. Caltrain grade separation, 16. Sneath Lane/El Camino Widening, 17. PG& E 230K power line, 18. Façade Improvement Program and 19. VB Golf Site at Engvall School site. There are 20 residential expansion applications already submitted to the Community Development Department in 2005.

**Councilmember Pallas** asked how many new housing units are being proposed and what is the impact on our schools? Mr. Akin replied at least 1000 new units. Director Jackson said the number was closer to 1500 new housing units. The developers will be assessed impact fees to cover the extras cost to the City and School District for providing services.

**Vice Mayor Ruane** asked if the Lunardi's Market at Skycrest Center would be expanded? Planner Akin said the site plan layout leaves room for expansion. They will own this property instead of currently renting it and will have the option to expand.

**Mayor Franzella** said the Council will need a subdivision approval on the Skycrest Center and he would like to see a requirement that Lunardi's does at least a remodel of their store.

Director Jackson said in the future the Community Development Department could provide these reports on a quarterly basis if the Council feels it is valuable. **Mayor Franzella** replied it was.

**Councilmember O'Connell** said there would be environmental impact reports to make sure traffic, water needs and other concerns would be looked at. Mr. Akin said the environmental report would look at everything including geotechnical and earthquake issues.

- d. City Manager Jackson reviewed **City Council action taken at the March 1, 2005, Special Meeting** to approve agreements between the City and Martin Regis LLC related to the Crossing San Bruno development.

City Manager Jackson provided information to the public concerning the actions taken at the Special Meeting, including the approval of resolutions and agreements between the City of San Bruno and Martin Regis owners of the Crossing. The El Camino Real Project agreement was also explained.

- e. City Manager Jackson recommended the City Council review discussion of budget strategies and objectives for preparation of the **2005-2006 Budget**.

City Manager Jackson provided an update on the Study Session held on March 1, 2005. The three main objectives are **first**; to have the Council endorse a strong priority for development and implementation of economic development strategies, which will maximize City revenues from private development, and City owned property. The Council should develop strategic planning for the build-out of the downtown and El Camino Real corridor. **Second**; to have the City attain excellence in customer service delivery. **Thirdly**; the Council should endorse a priority to enhance the City's overall appearance, image, and responsiveness to citizens.

Based on the mid-year budget review we continue to anticipate a deficit balance at fiscal year end; however, it will be substantially less than the prior year. In general, there are four basic financial categories; **first**, we are not pursuing additional public service reductions, **second**, we would not continue reductions to employee compensation, **thirdly**; we will continue to defer the filling of authorized vacancies, and **finally**; the General Fund revenue enhancement plans would consider refuse vehicle impact fees, utility users tax, and any other area of revenue the Council would like us to pursue. Staff is recommending some one-time revenue generation from sources such as sale or improved use of City owned property.

**Councilmember Ibarra** asked the City Manager to explain, "greater use of under-utilized City owned property?" City Manager Jackson replied she would do more work on this subject and want the opportunity to present a proposal at a later date.

**Councilmember O'Connell** said we need to look at San Bruno Avenue from U.S. 101 to El Camino Real, this is a gateway to our City and we must put a plan of action in place to improve.

## **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

## **11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Robert Riechel** of 7<sup>th</sup> Avenue said with Caltrain changing Grade Separation in San Bruno from the initial 4 tracks to the current 2 tracks, how does this effect the ongoing City planning to connect existing utilities and storm water systems into the new Caltrain systems?

## **12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

- a. Dale Sly, Chair of the **Senior Advisory Board** presents annual report to the City Council.  
(This item was moved up on the agenda after item no. 5).

- b. Project Pride Committee (Franzella/Pallas) announced plans for the annual **Easter egg hunt & San Bruno Chamber meet your City officials pancake breakfast** to be held Saturday March 19, 2005. **Councilmember Pallas** said this is our 26<sup>th</sup> annual Easter Egg Hunt. Starting time is 11:00 a.m. with the Easter Bunny arriving at 10:30 a.m. All children 1 to 8 years old are invited. The Chamber Pancake Breakfast will start at 8:00 a.m. (rain or shine) so come meet your City officials.

**Vice Mayor Ruane** announced there would be a Caltrain Grade Separation and Station Design Advisory Committee meeting on March 10, 2005, City Hall starting at 6:00 p.m. In regards to Mr. Riechel's questioned about Caltrain the answer is nothing has changed.

**Councilmember Pallas** said the conjunctive use study on water wells is over and we need an update to see if all our water wells are working. San Francisco will no longer be able to supply our needs and he is asking the Council to have staff come back with an update on all San Bruno water wells. (No action was taken.)

**13. NEW BUSINESS: Closed session** regarding:

- a. Labor negotiations with the **San Bruno Professional Fire Fighters Association**. (Gov't Code Section 54957.8)

No action was taken on this item in closed session.

- b. Pending litigation Gov't Code Section 54956.9(b)(3)(B).

- (1.) **Shelter Creek Homeowners Association** vs. City of San Bruno arising from alleged property damage.

Direction was given to legal staff and no reportable action was taken.

- (2.) **Aucilino** vs. City of San Bruno et. al arising from alleged trip and fall personal injury.

Direction was given to legal staff and no reportable action was taken.

- (3.) City of San Bruno vs. **BART**, Superior Court No. CIV-441832 arising from damages to City's police station.

Direction was given to legal staff and no reportable action was taken.

**14. ADJOURNMENT:** Meeting adjourned at approximate 8:45 p.m. to the next regular City Council meeting of Tuesday March 22, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval  
at the regular City Council meeting  
of March 22, 2005**

**Ed Simon, City Clerk**

**Larry Franzella, Mayor**